

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
Southern Division – Detroit**

LC TRADEMARKS, INC., et al.

Plaintiffs,

v.

VICTORIOUS FOODS, LLC, et
al.,

Defendants.

Case No. 19-cv-13782
Honorable Paul D. Borman
Magistrate Judge Anthony P. Patti

**DEFENDANTS VICTORIOUS FOODS, LLC, BITWEALTH HOLDINGS,
LLC, MATTHEW GOETTSCHKE, AND DANIELLE GOETTSCHKE’S
ANSWER TO FIRST AMENDED COMPLAINT AND AFFIRMATIVE
DEFENSES**

Defendants Victorious Foods, LLC (“Victorious”), BitWealth Holdings, LLC (“BitWealth”), and Matthew and Danielle Goettsche (“Goettsche”) (collectively the “Victorious Defendants”), by their counsel, The Law Offices of Jay Y. Mandel, PLLC, submit the following as their Answer and Affirmative Defenses in response to the First Amended Complaint filed by Plaintiffs:

THE PARTIES

1. The Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

2. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

3. Admitted that Victorious is a Nevada Limited Liability Company and that its members are the persons identified in the paragraph. Victorious Defendants deny the remaining allegations for the reason they are untrue.

4. Admitted that BitWealth is a Nevada limited liability company and that its members are Matthew Goettsche, a Colorado citizen, and Gavin Dickson, a Utah citizen. Victorious Defendants deny the remaining allegations of the paragraph for the reason they are untrue.

5. Admitted that Matthew Goettsche is a natural person and Colorado citizen. Victorious Defendants deny the remaining allegations of the paragraph for the reason they are untrue.

6. Admitted that Gavin Dickson is a natural person and a Utah citizen. Victorious Defendants deny the remaining allegations of the paragraph for the reason they are untrue.

7. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

8. Victorious Defendants neither admit nor deny the allegations in this

paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

9. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

10. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

11. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

12. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

13. Admitted that Danielle Goettsche is a natural person and Colorado citizen. Victorious Defendants deny the remaining allegations of the paragraph for the reason they are untrue.

14. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

15. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

JURISDICTION AND VENUE

16. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

17. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

18. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

BACKGROUND FACTS

19. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

20. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

21. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

22. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

23. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

24. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

25. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

26. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

27. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the

allegations.

28. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

29. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

30. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

31. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

32. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

33. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

34. Victorious Defendants neither admit nor deny the allegations in this

paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

35. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

36. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

37. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

38. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

39. BitWealth (through Matthew Goettsche) and the Goettsches admit that each signed the Deed of Guarantee, Indemnification, and Acknowledgement (“Guarantee”) attached to the Complaint. Victorious admits, upon information and belief, that Ernest Koury signed the Guarantee on its behalf. Victorious Defendants neither admit nor deny the remaining allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

40. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

41. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

42. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

43. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

44. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

45. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

COUNT I – BREACH OF CONTRACT

46. Victorious Defendants incorporate by reference their answers to the preceding paragraphs.

47. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

48. Victorious Defendants neither admit nor deny the allegations in this

paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

49. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

50. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

51. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

52. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

53. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

54. Victorious Defendants deny the allegations in this paragraph for the reason they are untrue.

55. Victorious Defendants neither admit nor deny the allegations in this

paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

56. Victorious Defendants deny that any failure to pay by them constitutes a material breach of the Guarantee for the reason it is untrue. Victorious Defendants otherwise neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

57. Victorious Defendants neither admit nor deny the allegations in this paragraph as they lack sufficient knowledge to form a belief as to the truth of the allegations.

AFFIRMATIVE DEFENSES

Victorious Defendants hereby assert the following special and/or affirmative defenses:

1. The Complaint fails to state a claim upon which relief may be granted.
2. The Complaint is barred by Plaintiffs' failure to satisfy conditions precedent.
3. The Complaint is barred by Plaintiffs' prior material breach of contract.
4. The Complaint is barred by Plaintiffs' failure to mitigate damages.
5. The Complaint is barred by Plaintiffs' unclean hands, to the extent Plaintiffs seek equitable relief.

WHEREFORE, Victorious Defendants request that the Court dismiss the Complaint with prejudice as to all claims and remedies sought against them, and award them their attorneys' fees and costs, in addition to such further relief that the Court deems just. Victorious Defendants further reserve the right to modify or supplement their Answer and their Affirmative Defenses as discovery proceeds or in the interests of justice.

JURY DEMAND

Victorious Defendants hereby assert their right to a trial by jury on all issues, claims and requests for relief.

DATED: May 4, 2020

Respectfully submitted,

/s/ Jay Y. Mandel

Jay Y. Mandel (P60576)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 4, 2020, I filed the foregoing with the Clerk of Court using the Court's CM/ECF system, which will serve an electronic copy to all counsel of record.

/s/ Jay Y. Mandel

Jay Y. Mandel